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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

RUDOLFO CARDENAS,

Defendant and Appellant.

B215350

(Los Angeles County  
Super. Ct. No. SA066610-01)

APPEAL from a judgment of the Superior Court of Los Angeles County.  
Robert P. O'Neill, Judge. Affirmed.

Suzann E. Papagoda, under appointment by the Court of Appeal, for Defendant  
and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant  
Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Keith H. Borjon  
and A. Scott Hayward, for Plaintiff and Respondent.

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Defendant and appellant Rudolfo Cardenas appeals from the judgment entered following a jury trial that resulted in his conviction of possession of a controlled substance. The sole issue on appeal is whether the trial court disclosed all relevant documents after it granted defendant's *Pitchess* motion.<sup>1</sup> We affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

Defendant was charged with possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)); prior conviction enhancements were alleged pursuant to the Three Strikes law (Pen. Code, § 1170.12, subds. (a)-(d); § 667, subds. (b)-(i)) and Penal Code section 667.5, subdivision (b).

Defendant filed a *Pitchess* motion seeking complaints against Culver City Police Officers Butler and Bellante regarding, among other things, aggressive behavior; violation of constitutional rights; fabrication of evidence, reasonable suspicion, probable cause; illegal search or seizure; false arrest; perjury; dishonesty; false police reports; planting of evidence, etc. According to the police report attached to the motion, at about 11:10 p.m. on January 19, 2008, Butler and Bellante responded to a report of a domestic dispute at defendant's home. There, they spoke to J.A., who said she and her four-year-old daughter had been living with defendant for the past eight months; defendant and J.A. argued frequently about J.A.'s daughter and on this occasion the argument escalated into defendant shoving J.A. and J.A. retaliating by throwing a bottle at defendant. After arguing for an hour-and-a-half, defendant left. At about 10:40 p.m. the next day, the officers were patrolling the area when they saw defendant standing in his driveway. They arrested defendant for willful infliction of corporal injury. Inside defendant's right front pants pocket, Butler found a cellophane wrapper containing what appeared to be methamphetamine; defendant denied that the drugs were his and speculated that J.A. might have put them in his pocket; defendant said he had used methamphetamine with J.A. the night before.

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<sup>1</sup> *Pitchess v. Superior Court* (1974) 11 Cal.3d 531 (*Pitchess*).

According to counsel's declaration filed in support of the *Pitchess* motion, defendant disputed this version of events and instead maintained that he was in bed and about to go to sleep when the police officers banged on his window; defendant was arrested when he went outside; defendant denied having methamphetamine in his pocket and denied telling the officer that he used methamphetamine the day before.

The trial court concluded that defendant was entitled to discovery of complaints of false reporting and dishonesty relating to Butler and Bellante. Following an in-camera review, the trial court reported that there was nothing to be discovered.

We have independently reviewed under the abuse of discretion standard the sealed transcript of the trial court's in camera review of documents produced by the custodian of records (*People v. Mooc* (2001) 26 Cal.4th 1216, 1228-1232), and find the trial court adequately described the various documents it reviewed. There were no complaints as to Officer Butler. As to Officer Bellante, of the three complaints against him, only one could even be arguably considered relevant: a parolee's statement that he "believed" Officer Bellante "falsely placed a parole hold on him." We conclude that the trial court acted within its discretion in refusing to disclose the details of this complaint, given its vague and equivocal nature.

### **DISPOSITION**

The judgment is affirmed.

RUBIN, Acting P. J.

WE CONCUR:

FLIER, J.

GRIMES, J.